

ORIGINAL

FEDERAL ELECTION

COLLABORION

2012 AUG 10 PH 12: 11

OFFICE OF CHIERAL

COUNSEL

August 6, 2012

#### **Certified Mail Return Receipt Requested**

Anthony Herman, Esq. **General Counsel** Federal Election Commission 999 E Street, NW Washington DC 20463 US Certified Mail # 7011 2970 0002 3054 5110

Re: Complaint against Robert Mittman, Candidate for the Democratic Party Nomination for Member of Congress, 6th Congressional District, New York State; and Tess Mittman, Mittman for Congress Treasurer. FEC COMMITTEE ID # C00521674.

Dear Mr. Herman:

The Sterling Marketing Group Inc. ("SMG") is a company based in New York State that provides marketing services to private businesses, political campaigns and candidates. We submit the within complaint with attachments against Robert Mittman ("Mittman") for violations of the Federal Election Campaign Act of 1971, as amended (the "Act). Specifically, Mittman has failed to disclose a total debt of \$46,000 owed to SMG for services performed and goods accepted. Nine (9) campaign mailers were created and produced at the direction of Mittman, of which seven (7) were mailed out. However, Mittman only paid and disclosed the first two to the FEC and never disclosed the remaining campaign mailers that were mailed out. Mittman has not disclosed these expenditures or debt owed for the remaining seven (7) mailer pieces, a violation of the Act.

On or about April 16, 2012, Mittman filed certain Designating Petitions with the New York City Board of Elections to place his name on the Democratic Party Primary Ballot in the Democratic Party Primary Election for Congress which was held this past June 26, 2012. Having done so Mittman became a candidate for United States Congress under New York State law. N.Y. Elec. Law section 6-100, et seq. Accordingly, Mittman was, and is required to comply with the Act, and required to disclose expenditures and any outstanding debt of his campaign committee to the FEC. A review of the FEC website indicates that he has failed to do so thus violating the Act.

On or about the first week of June 2012, Mittman requested that SMG design, develop, print and deliver to the United States Post Office mass mailings to promote his candidacy for the United States

Anthony Herman, Esq. August 6, 2012 Page 2

Congress. SMG designed and developed nine mailer pieces of which eight were printed and of the eight seven were actually mailed out.

Mittman paid the postmaster directly for all postage fees. All other payments for fees associated with the design, development, printing and mail house services were to be made directly to SMG.

Mittman paid for the design, development, printing and mail services for mailer piece # 1 and 2 (invoices 143 & 146). Amount paid: \$23,950. Mittman complied with the ACT by filing said expenditures with the FEC.

On June 14, 2012 Mittman was given invoices (invoices 147,149 and 150) for mailer pieces #'s 3, 4 and 5.

On June 23, 2012, recognizing the debt, Mittman knowingly gave SMG a <u>BAD check</u> (#1726500109) with the signature of Tess Mittman, the committee treasurer affixed, for payment on mailer pieces #3, 4 and 5 (invoices 147,149 and 150). Amount due: \$31,500 see attached invoices and returned check. Twice the bank deposited the check and twice the check was returned NSF, insufficient funds. The check did not clear; Mittman received goods and services and was required to make payment. Mittman and the Treasurer were given several notices that check did not clear and payment was required on the debt.

Mittman was required to disclose these expenditures and this outstanding debt on mailers #3, 4 and 5 (invoices 147,149 and 150). After reviewing the FEC website it is clear that he did not comply with the requisites of the ACT. Despite Mittman being made aware several times of this outstanding debt via telephone, fax, regular mail and certified mail to date, Mittman has not paid the debt, nor has he disclosed these expenditures or this debt to the FEC a clear violation of the Act.

On June 14, 2012 Mittman was given an invoice for mailer # 6 which upon Mittman's direction this mailer piece was NOT mailed out. Amount due: \$7,500. Mittman never made any payment in connection with mailer #6 (invoice 148).

Mittman was required to disclose this expenditure and this outstanding debt on mailer #6. After reviewing the FEC website it is clear that he did not comply with the requisites of the ACT. Despite Mittman being made aware several times of this outstanding debt via telephone, fax, regular mail, certified mail and to date Mittman has not paid the debt, nor has he disclosed these expenditures or this debt to the FEC a clear violation of the Act.

On June 20, 2012 Mittman was given invoice #152 for mailers #'s 7, 8 & 9. Amount due: \$7,000. Mailers 7 and 8 were designed, developed, printed and mailed out. Mailer # 9 was designed and developed but Mittman decided it would not be printed nor mailed. Mittman never made any payment in connection with mailers #'s 7, 8 or 9.

Mittman was required to disclose theses expenditures and this outstanding debt on mailers #'s 7, 8 & 9 (Invoice 152). After reviewing the FEC website it is clear that he did not comply with the requisites of

Anthony Herman, Esq. August 6, 2012 Page 3

the ACT. Despite Mittman being made aware several times of this outstanding debt via telephone, fax, regular mail and certified mail to date Mittman has not paid the debt, nor has he disclosed these expenditures or this debt to the FEC a clear violation of the Act.

The total amount due to SMG and not disclosed by Mittman to the FEC on Mailers 3, 4, 5,6,7,8 & 9 (Invoices 147, 149, 150, 148 and 152) is \$46,000.00.

We respectfully request the Commission to investigate this matter and take the appropriate action.

Yours truly,

Sergio Torres
Sterling Marketing Group Inc.

State of New York ss.: County of QUEENS

On the 6<sup>th</sup> day of August in the year 2012 before me, the undersigned, personally appeared Sergio Torres, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Sergio Torres

State of New York

County of QUEENS

Subscribed to and sworn before me this 6th day of August, 2012,

by ABABEL KHAN (name of signer,

(signature of notary)

AQEEL A. KHAN

AND Public, State of New York

No. 01KH5071319

AND Public State of New York

No. 01KH5071319

Sion Expires 01-06-2015



#### **ATTACHMENTS**

1. Invoices

143, 146, 147,149, 148, 150 and 152

2. Mailer Pieces

1,2,3,4,5,6,7,8 and 9

- 3. Mittman for Congress Check # 1726500109
- 4. Notices To Mittman
- 5. United States Postage Receipts (Paid directly by Mittman)

Mittman for Congress 38-17 Bell Blvd. Bayside NY 11361 PRSRT STD US POSTAGE PAID LIC, NY 11101 PERMIT 9168

# Dr. ROBERT Democrat For Congress Born and raised in Bayside, Queens Graduate of the NYC public school system Graduated from Queens College Graduated medical school Family doctor and internist Queens for over 20 years Husband and farther of a son and daughter Vote Democratic Primary Tuesday June 26, 2012

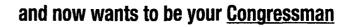
For more information, visit www.DrMittman4Congress.com

#### Did you hear about



The kid from Bayside...

#### who became a Doctor...









#### Jumpstart the Economy

For Dr. Robert Mittman, Improving our local economy is a top priority. He will create initiatives to attract investors and new businesses in our community, which in turn will bring much needed jobs to Queens. Nationally, Mittman supports investing into our nation's aging infrastructure and investing into alternative energy.

#### ● Reform Healthcare

There is no doubt that we have an alling health care system. Dr. Mittman will fight to Ensure Quality Medical Care for all local residents. And he will fight to make sure no more hospitats are closed in Queensi

#### Protect Seniors

Priority number 1: Protect Social Security. In this difficult economy, we also need to ensure the long-term health of our seniors. On day one, Dr. Robert Mittman will lead the fight to preserve senior services in Queens. As your congressman, Dr. Mittman will push to keep Social Security and Medicare solvent and ensure that all retires are protected.

#### Safe Streets

There is nothing more important than the safety of our communities. Dr. Robert Mittman will ensure that our children and families have safe recreational spaces, school surroundings and safe streets.

Dr. Robert Mittman • The Prescription for a Better Queens!

PRESORT STANDARD U.S. POSTAGE PAID BROOKLYN, NY PERMIT #1621



#### (ROBERT MITTMAN)'S THE ONLY CANDIDATE WHO HAS THE EXPERIENCE, EXPERTISE AND KNOW-HOW TO DEAL EFFECTIVELY WITH THE CRISIS OF HEALTH CARE IN AMERICA

Robert Mittman is committed to:

NO MORE HOSPITAL CLOSINGS IN QUEENS! In recent years 5 Hospitals were closed in Queens alone.

**Extending Medicare Benefits** and to eliminate the so-called donut hole (Prescription expenditures between \$2,930-\$4,550 currently not covered under Medicare)

Lower Drug Costs by extending patents. Introduce legislation to extend patents for pharmaceutical companies in exchange for guaranteed fixed lower prices on medications.

**Pharmaceutical Controls** Introduce legislation establishing strict guidelines on production and profits of medicine and to ensure that American consumers are not footing the bill for the rest of the world.



I will fight against any Republican measure that cuts funding from Medicare/Medicaid, but I will also challenge flaws in Obama Care to ensure that Bureaucrats and Washington Insiders are not making medical decisions that should be made by patients and their doctors.

- Dr. Robert Mittman

**Vote: Tuesday, June 26, 2012** 

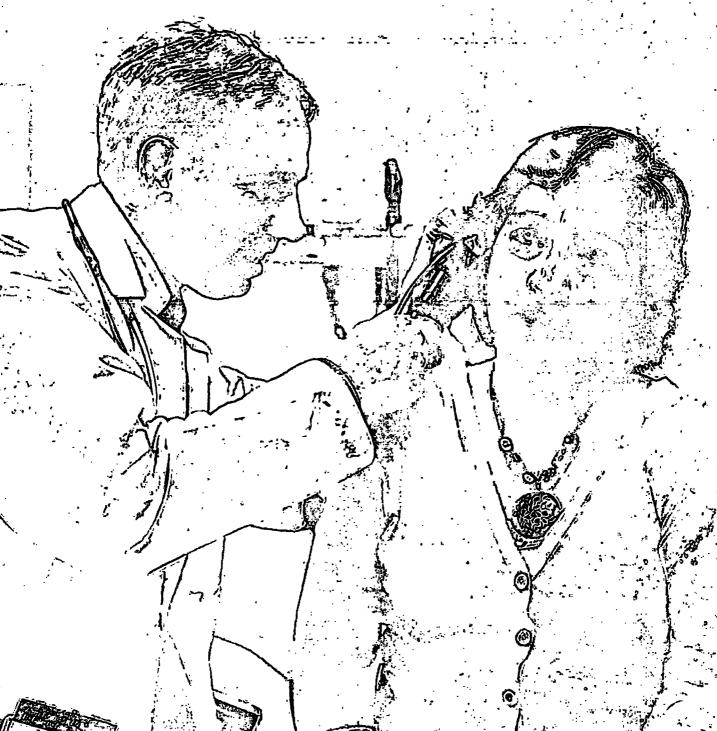
"The Prescription For A Healthy Economy"

WWW.DRMITTMAN4CONGRESS.COM

Paid for and authorized by: Millman For Congress



150443



NOONEISMOREOUALFIEDTOENSURETHEBEST HEALTH CAREFOR QUEENSTHAN DE ROBERT MITHIMAN Mittman for Congress 38-17 Bell Blvd. Bayside NY 11361

www.drmittman4congress.com

PRESORT STANDARD U.S. POSTAGE PAID BROOKLYN, NY PERMIT #1621

#### The Mittman plan will get Queens working again!

#### The Challenge:

We need to kick start economic development to create jobs in our district. Our aging retail strips need renovations. To compete regionally, our workforce needs better access to technology training and affordable certification programs.

#### The Plan:

As your Congressman, I'll ask you, my constituents, about your shopping needs and use that feedback with solid consumer data to attract investors and bring new businesses to our neighborhoods. I will push for mixed-use housing with retail space at street level and help building owners access "Main Street" government programs to do façade improvements and make commercial strips more attractive and safer for shoppers. This initiative will enable us to create jobs right here in Queens, for people living in Queens. I will work toward reducing the bureaucracy that strangles healthy small business development. It's time to get Queens working again!

Nationally, we must ensure we invest into our aging infrastructure and make a serious effort growing the alternative energy industry.



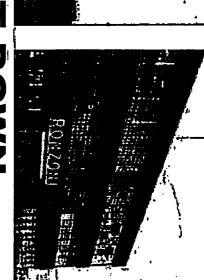
"Dr. Robert Mittman: The Prescription for A Healthy Economy"

Vote Democratic Primary Tuesday June 26, 2012

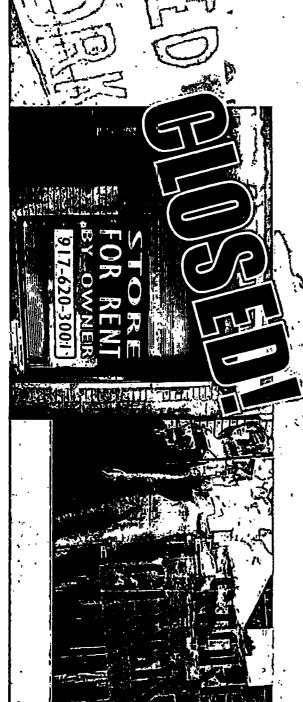
# CAREER POLITICIANS HAVE FAILED US YET AGAIN!







**DS Sent Overseas** 



**Local Shops go under. Jobs lost.** 

PRESORT STANDARD U.S. POSTAGE PAID BROOKLYN, NY PERMIT #1621



#### "THE ONLY SPECIAL INTEREST I WILL LISTEN TO IS YOU, THE RESIDENTS OF OUR COMMUNITY"

- Robert Mittman

Dr. Robert MITTMAN, was born in Bayside, Queens and he never left his neighborhood. He stayed here, and opened a practice where he has treated thousands of our neighbors in this community for over 20 years.

Dr. MITTMAN is <u>not</u> a career politician. Like many of you he is tired of politics as usual, chock full of grand standing, finger pointing, and ineffective policies that are ruining this country. He is ready, willing and able to fight for us as our next US Congressman.

ON TUESDAY, JUNE 26 IN THE DEMOCRATIC PRIMARY, THE CHOICE IS CLEAR.
A VOTE FOR MITTMAN IS A VOTE FOR REAL CHANGE.

A vote for Robert Mittman, is a vote for real progress. Together we will:

- Create Jobs by investing in infrastructure and alternative energy!
- Ensure No Hospitals are Closed in Queens and residents receive adequate medical care!
- Save and Protect Social Security and Medicare!
- Protect Homeowners!
- Support small business owners!
- Support Term Limits for members of Congress.

**Vote: Tuesday, June 26, 2012** 

"The Prescription For A Healthy Economy"

WWW.DRMITTMAN4CONGRESS.COM

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## The Percueb of Ouegra is Felling Pobi

#### The Borough of Queens is Falling Behind

#### **Queens Stats:**

- Record Home Foreclosures
- Record Unemployment
- Record Number of Empty Store Fronts
- 5 Hospitals Closed Permanently
- Crowded Schools

#### THE 3 PEAS IN A POD

• Rory Lancman Lobbyist Stooge

> • Grace Meng Career Politician

Elizabeth Crowley
 Special Interest \$\$\$
 Pulling her Strings

QUEENS - Career Politicians have failed the people of Queens miserably in ensuring basic services and a decent quality of life.

Three of them, AKA the 3 PEAS IN A POD, a notorious group of misguided, self interested machine politicians now want a promotion to Congress, as if their work deserved it!

All this while Lobbyists, Fat Cats and Washington Insiders dumped hundreds of thousands of dollars into their campaigns. Queens County residents BEWARE!

Record Home Foreclosures in Queens

-5 Hospital Closures in Queens

Record Unemployment in Queens

WHAT A BAD JOKE! ON JUNE 26, 2012 VOTE NO TO THE 3 PEAS IN A POD

THE 3 PEAS IN A POD FAILED THE PEOPLE OF QUEENS. THEY DON'T DESERVE A PROMOTION

ON JUNE 26, 2012 DEMOCRATIC PRIMARY VOTE NO! TO POLITICS AS USUAL!

15044375699

PRESORT STANDARD U.S. POSTAGE PAID BROOKLYN, NY PERMIT #1621



When I decided to run for Congress in the community I was born and raised in, I did so to provide my friends and neighbors with a real alternative to politics as usual. I make this pledge: My loyalty will never be for sale, I will always act with the best interest of this district first and foremost and I will deliver results that matter!

- Robert Mittman

ON TUESDAY, JUNE 26 IN THE DEMOCRATIC PRIMARY, THE CHOICE IS CLEAR.
A VOTE FOR MITTMAN IS A VOTE FOR PROGRESS.

A vote for Robert Mittman, is a vote for real progress. Together we will:



- Ensure No Hospitals are Closed in Queens and residents receive adequate medical care!
- Save and Protect Social Security!
- Make sure that Patients and their Doctors make medical decisions
   NOT Insurance Companies and Washington Insiders!
- Support Term Limits for members of Congress.

**Vote: Tuesday, June 26, 2012** 

"The Prescription For A Healthy Economy"

WWW.DRMITTMAN4CONGRESS.COM

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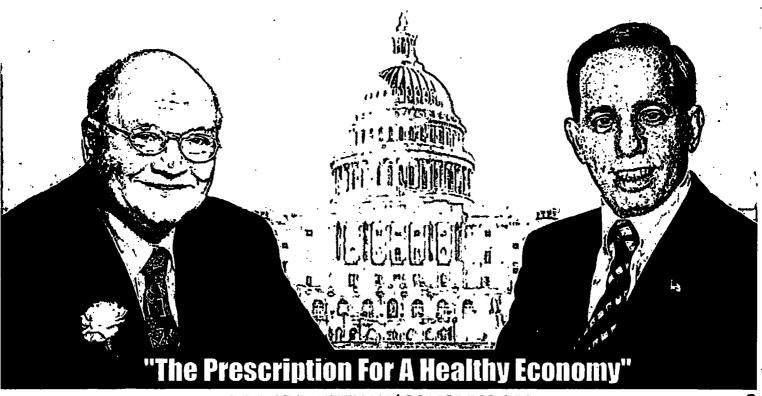
### THIS IS WHAT CONGRESSMAN GARY ACKERMAN HAD TO SAY ABOUT DR. ROBERT MITTMAN

Bob's dedication to his profession and to his community is emblematic of the commitment and energy that he has exhibited during the many years I have had the pleasure to know him. Bob answered the summons of a call for help and responded with the professionalism that should be the standard. For this, I pay tribute to him.

— Congressman Gary Ackerman

On Election Day
VOTE ROBERT MITTMAN FOR CONGRESS

Democratic Primary June 26th



WWW.DRMITTMAN4CONGRESS.COM

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PRSRT STD US POSTAGE PAID LIC, NY 11101 PERMIT 168



When I decided to run for Congress in the community I was born and raised in, I did so to provide this community with a real alternative to politics as usual. I make this pledge: My loyalty will never be for sale, I will always act with the best interest of this district first and foremost and I will deliver results that matter!

- Robert Mittman

#### LA PRINCIPAL PRIORIDAD DEL DR. MITTMAN ES EL BIENESTAR DE LA COMUNIDAD. CARING FOR THE PEOPLE OF OUR COMMUNITY IS DR. MITTMAN'S TOP PRIORITY

Dr. Mitman se postula para el Congreso para darle al pueblo Una voz real en la legislatura de la nación. Dr. Mittman is running for Congress to give the people of our community a real voice in the Nation's Legislature



- Asegurar que no cierren hospitales en Queens
- Como nuestro Congresista, Dr. Mitman peleará por el Seguro Social y Medicare:
- Asegurar empleos
- Promover los pequeños negocios
- Fix our Broken Health Care System
- Fight to make sure no more hospitals are closed in Queens
- As our Congressman, Dr. Mittman will fight to ensure Social Security and Medicare is solvent and all retirees are protected
- Bring Back Jobs





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# UN MENSAJE DEL SENADOR REV. RUBEN DIAZ A MESSAGE FROM SENATOR REV. RUBEN DIAZ

66 Yo apoyo al <u>Dr. ROBERT MITTMAN</u> para el Congreso en las Primarias Demócratas. "9

"I endorse Dr. Robert Mittman for Congress in the Democratic Primary."

- Senator Rev. Ruben Diaz

Democratic Primary / Primarias Demócratas

Mittman For Congress 38-17 Bell Boulevard Bayside, NY 11361

PRSRT STD **US POSTAGE** PAID LIC, NY 11101 **PERMIT 168** 



#### GREEK-AMERICANS FOR Dr. ROBERT MITTMAN

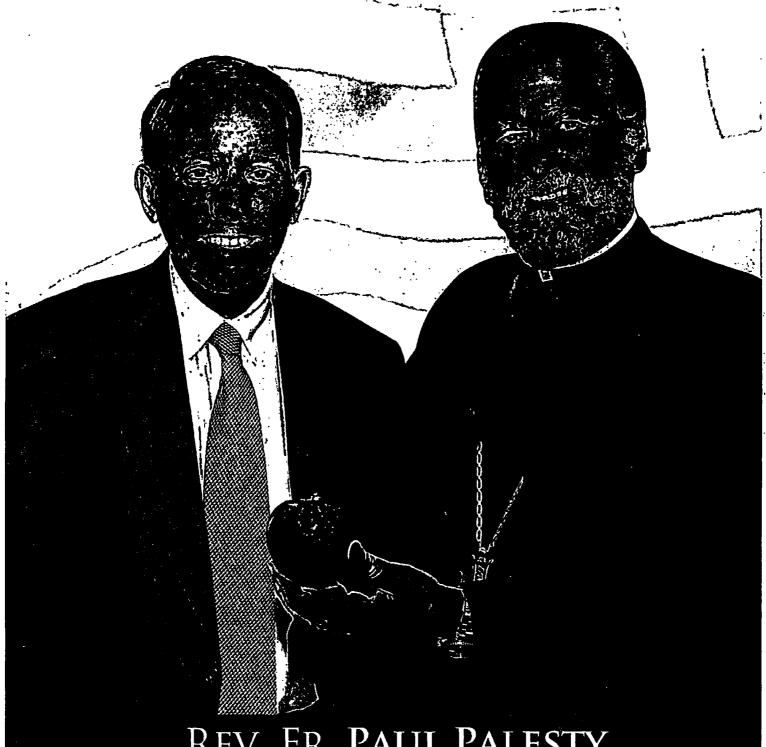
Robert Mittman is from our community and for our community. 20 years ago he opened his practice on Bell Boulevard. He was born here, raised here, and stayed here. He's a doctor, a family man, and our choice for Congress!



**Vote: Tuesday, June 26, 2012** 



# DR. ROBERT MITTMAN IS THE TYPE OF LEADER OUR COMMUNITY NEEDS



44375705

REV. FR. PAUL PALESTY WITH Dr. ROBERT MITTMAN

#### BREAKING NEWS

IN THE LAST YEAR ALONE, THERE WERE 4,048 ROBBERIES IN QUEENS.\*

There are 6,000 less police officers in the NYPD today,
than there were on September 11, 2001

"NYPD CompStat for Outens 5/14/2011 - 5/20/12 for Queens 5/14/2011 - 5/14/2011 - 5/14/2011 - 5/14/2011 - 5/14/2011 - 5/1

QUEENS - Career Politicians have failed the people of Queens miserably, AGAIN!

Three of them, AKA the 3 PEAS IN A POD, sat comfortably in their Albany and City Hall offices while overseeing one of the largest downsizings of the NYPD in the history of New York, making our City LESS SAFE and vulnerable to TERRORIST ATTACK.

THE 3 PEAS IN A POD

Rory Lancman
 Career Politician

• Grace Mer Career Politic

• Elizabeth Crowley Career Politician Last year, in the borough of Queens, there were over 4,000 victims of robberies. Many of them by gunpoint and by violent means.

Are they BLIND? Can they NOT see?

6,000 Less Cops On The Street

4,048 Robbery Victims In Queens

Rise in Rapes & Felony Assaults

"NYPD CompStat for 12/22/2011 for NYC

SAY NO TO CAREER POLITICIANS

PRINTED NOT MAILE

ON JUNE 26, 2012 VOTE NO TO THE 3 PEAS IN A POD

ON JUNE 26, 2012 DEMOCRATIC PRIMARY VOTE NO! TO POLITICS AS USUAL!

15044375706

#### **Mittman For Congress**

38-17 Bell Boulevard Bayside, NY 11361

PRESORT STANDARD U.S. POSTAGE PAID BROOKLYN, NY PERMIT #1621



#### "I WILL FIGHT TO KEEP OUR COMMUNITY SAFE"

- Robert Mittman

Robert MITTMAN, will fight to keep our community safe. He will make sure New York City gets its fair share of Homeland Security dollars. New York City is the Capital of the World, we deserve additional security funding for that distinction.

ON TUESDAY, JUNE 26 IN THE DEMOCRATIC PRIMARY, THE CHOICE IS CLEAR.
A VOTE FOR MITTMAN IS A VOTE FOR REAL CHANGE.



**Vote: Tuesday, June 26, 2012** 

"The Prescription For A Healthy Economy"

WWW.DRMITTMAN4CONGRESS.COM

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Washington D.C. has become an increasingly unfriendly place for our closest ally in the Middle East...

...yet our community stands solidly behid Israel.

Most of the candidates in the race for Congress in Queens' 6th Congressional District will publicly pledge support for he State of Israel...



...but NONE of them have a record of achievement in foreign policy and ALL of them are career politicians who have a history of trading support on the key issues of their community for support for their re-election campaigns

#### US TIME FOR NEW LENDERSHIP!